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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/772,147	02/04/2004	Wolfgang Graaff	813 P 003	1865

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CHICAGO, IL 60604

EXAMINER
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PAPE, JOSEPH

ART UNIT	PAPER NUMBER
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3612

DATE MAILED: 03/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/772,147

Applicant(s)

GRAAFF ET AL.

Examiner

Joseph D. Pape

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 September 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-7, 14, 16, 21, 22, 24, 25, 32, 33 and 39-47 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1-7, 14, 16, 21-26, 32, 33 and 39-47 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 February 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

## DETAILED ACTION

1. This office action is in response to the preliminary amendment filed 9/13/04 which had a certificate of mailing of 9/8/04 which crossed in the mail with the office action of 9/9/04. The period for response set forth in the previous office action is hereby restarted.

### *Drawings*

2. The drawings are objected to because in Figures 7 and 8 reference numeral 80 is used in each figure for different features of the invention. Also, in Figure 8, numeral 86 which is supposed to identify a peripheral portions edge (page 11, line 4) has a lead line pointing to a fastener. Also, on page 8, reference numerals "19a", "34a" and "34a'" do not appear in the drawings. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary

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to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

3. The disclosure is objected to because of the following informalities: On page 10, line 13, "6a" should be changed to --60a--. On the last line, "14" should be changed to --12--.

Appropriate correction is required.

### ***Claim Objections***

4. Claims 1-7, 14, 16, 21-22, 24, 39-43 and 45, are objected to because of the following informalities:

In claim 1, line 5, the term "wall" should be deleted for consistency. On line 6, the second instance of the term "wall" should be deleted for consistency. On line 8, the term "segments" should be changed to --sections-- for consistency. Line 10 should not

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end in a period. On line 14, it is thought that “portions” should be changed to —sections—for consistency.

In claim 4, line 2, it is thought that “segments” should be deleted for consistency.

In claim 5, line 2, it is thought that “segments” should be deleted for consistency.

In claim 7, line 3, it is thought that the phrase “each said side posts” should be deleted for greater accuracy and clarity.

In claim 16, line 1, numeral “15” should be lined out.

In claims 21 and 32, the term “protuberance” is used for item 44a in Figure 4 which is actually referred to as a “dome like projection” in the specification.

In claim 41, the second line is awkwardly phrased.

In claim 45, the term “end projection” is used for item 34b in Figure 4 which is actually referred to as a “protuberance” in the specification.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

5. Claims 1-7, 14, 16, 21-25, 32-33, and 39-47 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, line 15, “vertical side portions” and “end” have no clear antecedent basis. It is thought that —said—should be inserted after “and” and “end” should be changed to —edge—for greater clarity and accuracy.

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In claim 4, the last two lines the phrase “surface wall of said at least one side sheet” is indefinite and it is thought that such phrase should be changed to –wall of said side posts–.

In claim 16, line 2, “opposite edge side portions” and on the last line, “base surface” have no clear antecedent basis.

In claim 41, line 1, “projection” has no clear antecedent basis.

In claim 25, line 9, “side portions” has no clear antecedent basis.

In claim 32, line 2, “side sheet” has no clear antecedent basis.

In claim 44, “edge portions” have no clear antecedent basis.

### ***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-3, 14, 25, 32-33 and 39, as understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Ehrlich '693.

Ehrlich discloses the claimed invention as indicated in the attached marked up copy of Figure 7. Note that the liners on opposite sides of the post 552 inherently

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include "vertical side portions" on opposite vertical sides of a "central portion" and these side portions are interconnected with and extend beyond the edge of the bent edge sections of the side post, as shown in marked up Figure 7, to cover a portion of the bent edge sections.

Re claim 32, 546a of Ehrlich is considered to be a "protuberance" as broadly as recited.

### ***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

10. Claim 33, as understood, is rejected under 35 U.S.C. 103(a) as being unpatentable over Ehrlich '693 in view of Ehrlich '920.

Ehrlich '693 discloses the claimed invention except for the core material 546a being a foam material.

Ehrlich '920 discloses a sandwich wall construction which may include a foam core. Reference column 3, line 58.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to construct the core of Ehrlich '693 with a foam material as taught by Ehrlich '920 as a lightweight insulating material suitable to minimize the overall weight of the trailer body construction.

### ***Allowable Subject Matter***

11. Claims 4-7, 16, 21, 22, 24, and 40-47 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

### ***Conclusion***

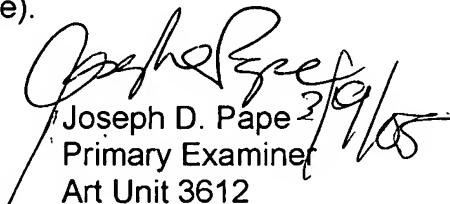


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12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph D. Pape whose telephone number is (703) 308-3426.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Dayoan can be reached on (703) 308-3102. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Joseph D. Pape 3/9/05  
Primary Examiner  
Art Unit 3612

Jdp

March 9, 2005